



WEB COPY



HCP.No.1824 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1824 of 2024

Jeyadevan

.... Petitioner

Vs

- 1 The Additional Chief Secretary,
Government Of Tamilnadu,
Home, Prohibition & Excise Department,
Chennai - 600 009.
- 2 The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai.
- 3 The Superintendent of Police
Central Prison,
Puzhal, Chennai - 600 066.
- 4 The Inspector Of Police (L & O),
J-8 Neelankarai Police Station,
Adyar, Chennai.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent herein and made in Memo No.264/BCDFGISSSV/2024 dated 28.03.2024 and set aside the same and directing the second respondent to produce the detainee, Petitioner's Friend, Thiru.Vijay @ Umar, aged 26 years S/o.Perumal, now confined in Central prison, Puzhal, Chennai, before this Hon'ble Court and thereby set him at liberty .

For Petitioner : Mr. G.Sriram
for Mr. G.Baskaran

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Greater Chennai, in Memo No.264/BCDFGISSSV/2024 dated 28.03.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The educational qualification possessed by the detainee is 5th standard. The Government order conferring the power of the detaining authority has not been translated and served on the detainee.



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3. The non supply of translated version of the Government Order caused prejudice to the detainee for submitting effective representation, which is a valuable right provided to the detainee under the Act.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in Memo No.264/BCDFGISSSV/2024 dated 28.03.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Vijay @ Umar, male, aged about 22 years S/o.Perumal, now confined in Central prison, Puzhal, Chennai, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp

To

The Additional Chief Secretary,
Government Of Tamilnadu,
Home, Prohibition & Excise Department,
Chennai - 600 009.



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**S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.**

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